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Volunteerism Among Lawyers Surges, Encouraged by Slumping Economy

By Susan Saulny
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The sluggish economy has led lawyers to do free legal work in numbers that appear to reverse a decade-long decline in public service across the nation, experts say, with New York at the forefront of the trend.

Some of the lawyers who have volunteered have been laid off. Others said they were not able to find jobs after law school and were hoping to make themselves more marketable to firms. Still others are on loan to service organizations from firms that are now pursuing pro bono opportunities, or firms where there is less work.

Some experts say the increase may also have to do with post-Sept. 11 altruism.
The willingness of lawyers to do pro bono work "ebbs and flows for reasons that are beyond anyone's understanding," said Steven B. Scudder, counsel to the American Bar Association's standing committee on public service.

But people with knowledge of recent trends, including Mr. Scudder, said some evidence suggested that volunteerism, like the business cycle itself, was cyclical. During the boom times of the late 1990's, for example, many of the nation's biggest law firms were inundated with business. Today, some lawyers say, the reality is that they have more hours to give.

While there are few reliable methods of tracking legal work done at no cost, information from bar associations and law firms suggests that the number of lawyers working pro bono publico, or for the public good, has as much as doubled in some areas from as recently as two years ago.

"There's more time for doing pro bono work," said Mel M. Immergut, chairman of Milbank, Tweed, Hadley & McCloy, a firm based in Manhattan, and a director of the Legal Aid Society.

Mr. Immergut said that nearly every firm in New York has less paying work, and that in the aftermath of the Sept. 11 terrorist attack, there is a lingering sense of community spirit. Those two realities, he said, are the likely reasons behind the increase in pro bono assistance in the city.

"We certainly have encouraged our associates to be involved," he said. "We have always encouraged that, but sometimes it's hard for lawyers to juggle a huge work schedule and pro bono clients, and now they are in a better position to do that."

Esther Lardent, president of the Pro Bono Institute at the Georgetown University Law Center, has estimated that major firms in the nations' largest cities are donating roughly 10,000 to 30,000 hours each in pro bono time a year.

As recently as 1999, the roughly 50,000 lawyers at the nation's 100 highest-grossing firms spent an average of just eight minutes a day on pro bono cases, according to a survey by American Lawyer magazine.

Nationally, the increases in pro bono work might have most to do with the effect of the economy on the legal field. Some firms outside New York have shut down under the weight of the leaden economy. The most high-profile collapses came earlier this month, when partners at Brobeck, Phleger & Harrison, a prominent firm in the San Francisco Bay area, decided to wind down the firm's business. Soon after, Skjerven Morrill, a 67-lawyer firm in San Jose, Calif., specializing in intellectual property law, announced that it would dissolve.

Tom Clay, the managing director of Altman Weil Inc., a legal consulting firm outside Philadelphia, said he had not seen so many layoffs since the last big recession, in the 90's. "It's something that really does not happen in the legal profession, but it's happening now because there's not a lot to do," he said. "It's a pure supply-and-demand issue."

As the corporations that the law firms served have cut back, so have the firms. At many of the larger ones, lawyers who are busy with pro bono work are still being paid their regular salaries.

But Anne Crawley, who runs her own small practice in Woodside, Queens, said that to be a full-time volunteer and pay her bills, she does her own work at night and on weekends. Recalling the situation when she graduated from City University of New York Law School in 1997, Ms. Crawley said: "The job market seemed closed to me. I went to my career counselor and said, `What do I do?' "

The answer was volunteer.

Ms. Crawley said she had been able to network with people who have helped her become a better lawyer.

"I've met people who might help me build my practice and people who have been excellent mentors," she said. "It's a creative way to get your feet wet. It's a good thing to do for your community, but it's also an investment in yourself on a practical level."

The extent of the increases in volunteerism has surprised and even caught off-guard many people who coordinate free legal representation for the poor. Volunteer coordinators indicate, though, that the needs of the poor are still largely unmet.

"There has been an epidemic of lawyers wanting to volunteer," said Richard Gruenberger, the director of the New York Legal Assistance Group, which provides free counsel to city residents whose incomes are below the poverty line. "We're housing, literally working in our office, more than twice as many people as we did a year and a half ago."

There are not enough phone lines or chairs at the New York Legal Assistance Group's office at 59th Street and Lexington Avenue, and the crowding has led to "people sitting on people's laps," according to Mara Klein, the group's director of communications, speaking of the need to share desks.

Mr. Gruenberger said: "Does this really, really help us? Yes! And we don't want to turn anyone away because we have a seating issue."

Mr. Gruenberger said he ordinarily supervised about 20 volunteer lawyers a year. "Now we have to stagger them amongst the days they are here," he said. "One of the trickiest parts of my job is trying to get them all through the door."

What the proponents of pro bono service want to do now is build on the increase. Experts say that some of the lawyers who volunteer during a recession keep it up after hard times pass. Pro bono coordinators in New York and elsewhere are busy developing programs they hope will make that more likely.

"The economy will get better and people will get busy again, or we'll go to war and people will be distracted," said Cindy Feathers, the director of pro bono affairs for the New York State Bar Association. Ms. Feathers said that she did not think the economy was the sole reason for the increases in volunteerism, but that whatever the explanation was, "what we're trying to do is say, `If you really care about this, don't just do it by the seat of your pants.' "

The American Bar Association urges lawyers to do at least 50 hours of pro bono work a year. But in New York State, half the lawyers perform no volunteer service at all, according to Michael Cordozo, the city's corporation counsel and a major promoter of the pro bono ethic.

Financial constraints, like the ones confronting Ms. Crawley, may be one reason. In the case of Shari Goldsmith, who was laid off last summer from a large Manhattan firm, a healthy savings account helps make volunteerism possible.

At the moment, she said, she does not have to worry about money.

Eventually, said Ms. Goldsmith, 27, she will seek paid work, although she said she would rather not.

"This is so enjoyable, sometimes I wish I could do it forever," she said.